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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,184	01/13/2004	Eero Kaappa	037145-0301	2077
30542 7590 10/01/2008 FOLEY & LARDNER LLP P.O. BOX 80278 SAN DIEGO, CA 92138-0278				
EXAMINER				
BAROT, BHARAT				
ART UNIT		PAPER NUMBER		
2155				
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10/01/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/756,184

Applicant(s)

KAAPPA, EERO

Examiner

Bharat N. Barot

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

RESPONSE TO AMENDMENT

1. Claims 1-21 remain for further examination.

The new grounds of rejection

2. Applicant's arguments with respect to claims 1-21 filed on July 07, 2008 have been fully considered but they are not deemed to be moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 18 is rejected under 35 U.S.C. 101 because the claimed invention of the claim 18 is directed to non-statutory subject matter. Claim 18 recited "A computer program product comprising: computer code.....," which is non-statutory as not being executable in/by a computer/processor.

Claim Rejections - 35 USC § 103(a)

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-21 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Hindawi et al (U.S. Patent No. 6,879,979) in view of Bakke et al (U.S. Patent No. 7,353,259).

7. As to claim 1, Hindawi et al teach a method comprising: receiving a provisioning content document (query) from a wireless communication network, the provisioning content document comprising configuration information for a device; parsing the provisioning content document including a plurality of characteristics; and identifying a number in an application characteristic of the plurality of characteristics in the provisioning content document (see abstract and summary; figure 1; column 1 lines 22-34 and 55-60; and column 5 line 29 to column 7 line 20).

However, Hindawi et al do not teach a method for client provisioning using an application characteristics template with flag functionality, comprising: identifying a flag parameter in an application characteristic of the plurality of characteristics in the provisioning content document, wherein the flag parameter indicates whether parameters should be set in the configuration of the device.

Bakke et al teach a method for client provisioning using an application characteristics template with flag functionality, comprising: identifying a flag parameter

in an application characteristic of the plurality of characteristics in the provisioning content document, wherein the flag parameter indicates whether parameters should be set in the configuration of the device (figures 2 and 5; column 5 line 24 to column 6 line 48; and column 12 lines 31-53).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bakke et al in the method of Hindawi et al for client provisioning using an application characteristics template with flag functionality because it would have provided efficient failure recovery and configuration information exchanges between devices and performed tasks and applications without burdening the network with excessive network traffic.

8. As to claims 2-4, Hindawi et al teach that the application characteristic comprises multiple levels (figure 1; columns 3-4; and columns 6-7); and Bakke et al teach that the flag parameter is introduced in one level or all levels of the application characteristic (figures 2 and 5; column 5 line 24 to column 6 line 48; and column 12 lines 31-53).

9. As to claims 5-6, Bakke et al teach that the flag parameter has a meaning defined in a registration document, the flag parameter defines a common flag type parameter such that the presence of the flag parameter indicates that the parameter is used, otherwise, the parameter is omitted (figures 2, 5, and 7; column 5 line 24 to column 6 line 48; column 12 lines 31-53; and column 13 line 60 to column 15 line 27).

10. As to claims 7-13, they are also rejected for the same reasons set forth to rejecting claims 1-6 above, since claims 7-13 are merely an apparatus for the method of operations defined in the method claims 1-6. Additionally, Hindawi et al teach that the device is using wireless connection, which implies that the device is a mobile telephone or a portable device (see summary; and column 1 lines 22-34 and 55-60).

11. As to claims 14-17, claims 14-17 do not teach or define any new limitations than above claims 1-13; therefore, they are rejected for the similar reasons.

12. As to claims 18-21, they are also rejected for the same reasons set forth to rejecting claims 1-6 above, since claims 18-21 is merely a computer program product for the method of operations defined in the method claims 1-6.

Response to Arguments

13. Applicant's arguments with respect to claims 1-21 filed on July 07, 2008 have been fully considered but they are not deemed to be persuasive and moot in view of the new grounds of rejection.

14. Applicant's arguments have been fully considered. The examiner has attempted to answer (response) to the remarks (arguments) in the body of the Office action.

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact Information

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 7:00 AM to 3:30 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

/Bharat N Barot/

Primary Examiner, Art Unit 2155

September 16, 2008